

COOPER & DUNHAM, LL

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

FAX RECEIVED

NOV 14 2000

GROUP 1600

FACSIMILE: (212) 391-0525

(212) 391-0526

(212) 391-0630

OF COUNSEL

GERALD W. GRIFFIN

JOHN R. GARBER

ERIC D. KIRSCH

PATENT AGENT

JENNIFER H. BURDMAN

FOUNDED 1887

www.cooperdunham.com

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
WILLIAM E. PELTON
ROBERT D. KATZ
PETER J. PHILLIPS
WENDY E. MILLER
ROBERT T. MALDONADO
PAUL TENG
PEDRO C. FERNANDEZ
JANE M. LOVE
MICHAEL F. MORANO
RAYMOND A. DIPERNA
FRANK A. BRUNO
MEGHAN M. MAKARY*
CHRISTOPHER M. RIES

IVAN S. KAVRUKOV
PETER D. MURRAY
JAY H. MAIOLI
ROBERT B. G. MOROWITZ
DONALD S. DOWDEN
DONNA A. TOBIN
RICHARD S. MILNER
RICHARD F. JAWORSKI
ELIZABETH M. WIECKOWSKI
GARY J. GERSHIK
TODD W. EVANS
SPENCER H. SCHNEIDER
ALAN D. MILLER*
PATRICK T. SKACEL*
CHRISTINE S. NICKLES**

OFFICIAL

FACSIMILE TRANSMISSION

* NEW YORK STATE BAR ADMISSION PENDING

** ADMITTED IN MASSACHUSETTS ONLY

PLEASE DELIVER THE FOLLOWING PAGES

TO : Examiner Eliane Lazar-WesleyCOMPANY/FIRM : U.S. Patent and Trademark Office Group Art Unit
1646FACSIMILE NO.: (703) 308-0294FROM : John P. White/SHSTOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 42DATE : November 13, 2000 TIME: _____

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

MESSAGE: COMMUNICATION REQUESTING STATUS OF APPLICATION in connection with Gary A. Beaudry and Paul J. Maddon, for CD4-GAMMA2 and CD4-IgG2 CHIMERAS, U.S. Serial No. 08/485,163, filed June 7, 1995 including Exhibits A-G and Certificate of Transmission dated November 13, 2000.

=====

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

OFFICIAL

Dkt. 37690-II-1-PCT-US/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163 Examiner: Lazar-Wesley
Filed : June 7, 1995 Group Art Unit: 1646
For : CD4 GAMMA2 AND CD4-IgG2 CHIMERAS

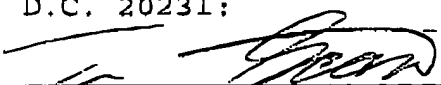
1185 Avenue of the Americas
New York, New York 10036
November 13, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

FACSIMILE**CERTIFICATE OF TRANSMISSION**IN CONNECTION WITH THE ABOVE-IDENTIFIED APPLICATION

Date of Facsimile: November 13, 2000. I hereby certify that this paper or fee is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231;


Printed Name: 12/10/15COA

Respectfully submitted,



John P. White
Registration No. 28,678
Spencer H. Schneider
Registration No. 45,923
Attorneys for Applicant(s)
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

Dkt. 37690-II-1-PCT-US/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **FAX RECEIVED**

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163 Examiner: Lazar-Wesley
Filed : June 7, 1995 Group Art Unit: 1646
For : CD4 GAMMA2 AND CD4-IgG2 CHIMERAS

NOV 14 2000

GROUP 1600

1185 Avenue of the Americas
New York, New York 10036
November 13, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMMUNICATION REQUESTING STATUS OF APPLICATION

This Communication is submitted further to request by Examiner Eliane Lazar-Wesley of the United States Patent and Trademark Office during a November 8, 2000 telephone conference with Mr. Spencer Schneider of the undersigned attorney's office.

On December 12, 1998, a Communication was issued stating that a response was due in one month, i.e. January 12, 1999. The Communication provided that extensions of time may be taken pursuant to 37 C.F.R. 1.136(a). Accordingly, the fully extended deadline for filing a response was June 8, 1999.

On March 18, 1999, a Notice of Abandonment was issued in connection with the subject application. The Notice stated that applicants failed to timely file a response to the Office letter mailed December 8, 1998.

However, applicants timely filed a response by the fully extended June 8, 1999 deadline. Accordingly, applicants contend that the Notice of Abandonment was issued in error. Applicants filed a Request for Withdrawal of Abandonment on June 8, 1999, including

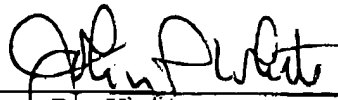
Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163
Filed : June 7, 1995
Page 2

the required response. A copy of the papers that applicants filed on June 8, 1999 are attached hereto as follows: copy of the Withdrawal of Abandonment (Exhibit A); and copy of the response (Exhibits B-F). Applicants respectfully point out that attached Exhibits B-F were attached as Exhibits A and 1-4 in the June 8, 1999 response. A copy of the return postcard stamped by the United States Patent and Trademark Office confirming receipt of these papers is attached hereto as Exhibit G.

Applicants respectfully contend that a response was timely filed and request that the United States Patent Office respond to applicants June 8, 1999 response.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invites the Examiner to telephone them at the number provided below.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorneys for Applicant(s)
Spencer H. Schneider
Registration No. 45,923
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

#29

Dkt. 37690-II-1-PCT-US/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163 Examiner: E. Lazar-Wesley
Filed : June 7, 1995 Group Art Unit: 1646
For : CD4 GAMMA2 AND CD4-IgG2 CHIMERAS

1185 Avenue of the Americas
New York, New York 10036
June 8, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR WITHDRAWAL OF ABANDONMENT

This Request For Withdrawal Of Abandonment is submitted in response to the March 18, 1999 Notice of Abandonment which was issued by the United States Patent and Trademark Office in connection with the above-identified application.

REMARKS

The Examiner, to whom this above-identified application is assigned stated in a December 8, 1998 Communication, that a response was due on January 8, 1999. Furthermore, the Communication from the Examiner also states:

The timely submission under 37 C.F.R. 1.129(a) filed on September 14, 1998 is not fully responsive to the prior Office Action because the merits of the final action have not been addressed. SINCE THE SUBMISSION APPEARS TO BE A BONA FIDE ATTEMPT TO PROVIDE A COMPLETE REPLY TO THE PRIOR OFFICE ACTION, APPLICANT IS GIVEN A SHORTENED STATUTORY PERIOD OF ONE MONTH OR THIRTY DAYS FROM THE

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163
Filed : June 7, 1995
Page 2

MAILING DATE OF THIS LETTER, WHICHEVER IS LONGER, TO
SUBMIT A COMPLETE REPLY. THIS SHORTENED STATUTORY PERIOD
SUPERSEDES THE TIME PERIOD SET IN THE PRIOR OFFICE
ACTION. THIS TIME PERIOD MAY BE EXTENDED PURSUANT TO 37
C.F.R. 1.136(A). If a notice of appeal and the fee set
forth in 37 C.F.R. 1.17(e) were filed prior to or with
the payment of the fee set forth in 37 C.F.R. 1.17(r),
the payment of the fee set forth in 37 C.F.R. 1.17(r) by
applicant is construed as a request to dismiss the appeal
and to continue prosecution under 37 C.F.R. 1.129(a).
The appeal stands dismissed.

In response, applicants' contend that the final due date for filing
a response is six months from the Date of Mailing of the Examiner's
Communication, i.e., by June 8, 1999. Applicants respectfully point
the Examiner's attention to 37 C.F.R. 1.136(a) which states as
follows:

If an applicant is required to reply within a
nonstatutory or shortened time period, applicant may
extend the time period for reply up to the earlier of the
expiration of any maximum period set by statute or five
months after the time period set for reply, if a petition
for an extension of time and the fee set in C.F.R.
1.17(a) are filed, unless:

- (i) Applicant is notified otherwise in an Office
action;
- (ii) The reply is a reply brief submitted pursuant to
§1.193(b);
- (iii) The reply is a request for an oral hearing
submitted pursuant to §1.194(b);
- (iv) The reply is to a decision by the Board of
Patent Appeals and Interferences pursuant to
§1.196, §1.197 or §1.304; or

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163
Filed : June 7, 1995
Page 3

(v) The application involved in an interference
declared pursuant to §1.611

Applicants believe that the Examiner mistakenly issued this March 18, 1999 Notice of Abandonment and applicants' undersigned attorney hereby respectfully request that this Notice of Abandonment be withdrawn since the final due date to file a response is still pending until June 8, 1999.

Furthermore, applicants attach hereto as **Exhibit A**, a Communication in Response to August 7, 1997 Final Office Action as a First Submission Pursuant to the September 9, 1998 Communication Requesting Consideration on the Merits of a First Submission After Final Rejection and Withdrawal of Finality under 37 C.F.R. 1.129(a) and Petition.

Applicants have previously established a small entity status and it is still pending. The required fee for a three-month extension of time for a small entity is \$435.00 and applicants enclose a check in this amount.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163
Filed : June 7, 1995
Page 4

No fee other than the \$435.00 fee for a three month extension of time is deemed necessary in connection with the filing of this Request for Withdrawal of Abandonment. If any other fee is deemed necessary, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,

Albert Wai Kit Chan

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231.

Albert Wai Kit Chan 6/8/99
Albert Wai-Kit Chan Date
Reg. No. 36,479

John P. White
Registration No. 28,678
Albert Wai-Kit Chan
Registration No. 36,479
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400